



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,844	12/08/2000	Robert G. Tanner	80398.P405	2035

7590

06/19/2006

Robet G. Litts
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/733,844	TANNER ET AL.	
	Examiner	Art Unit	
	Stefano Karmis	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following communication is in response to Applicant's amendment filed 30 March 2006.

Status of Claims

2. Claim 1, 9, 17 and 38 are currently amended. Claims 2-8, 10-16 and 18-37 are originally filed.

Response to Arguments

3. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection set forth below. Therefore claims 1-38 stand rejected and Applicant's request for allowance is respectfully declined.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 3624

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman, U.S. Patent 6,829,779 in view of Bhogal et al. (hereinafter Bhogal) U.S. Patent 6,629,197.

Claims 1-6, 9-14, 17, 18, 20-32, and 35-38 were previously rejected under 35 U.S.C. 102(e) as being anticipated by Perlman as stated in the previous office action, mailed 29 December 2005. Regarding claim 1, Applicant has amended the claim to recite showing a first virtual electronic device on a display to emulate operation of one or more features of a first electronic device. Perlman fails to teach this limitation. However Bhogal teaches a method for storing digital audio data and emulating multiple CD-Changer Units in which a virtual electronic device is shown on a display and the operation of such a device is emulated (Abstract, column 6, lines 32-48 and column 9, lines 57 thru column 10, line 5). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Perlman and include the teachings of Bhogal because they both provide graphical representation of electronic devices for use by a customer in learning how to use and using an electronic device. Claims 9, 17 and 38 contain similar amendments to that of claim 1 and therefore are rejected in a

Art Unit: 3624

similar manner. Dependent claims 2-8, 10-16 and 18-37 are rejected under Perlman in view of Bhogal for the reasons stated in the previous office action and set forth below.

Claims 2, 10, 24 and 25, Bhogal teaches showing a second virtual electronic device to emulate an exchange of information between the first electronic device and a second electronic device (Abstract, column 6, lines 32-48 and column 9, lines 57 thru column 10, line 5).

Claims 3, 11, and 27, Perlman teaches showing a virtual eCommerce system to emulate an exchange of information between the first electronic device and an eCommerce system (column 8, lines 47-67 and column 9, lines 34-42).

Claims 4, 12, and 30, showing a device map listing features of the first electronic device (Figs. 11-12b and 13a-18).

Claims 5, 13 and 31, showing a magnified view of the first virtual electronic device to provide a detailed illustration of a feature of the first electronic device (Figs 12-18).

Claims 6, 14 and 32, showing an interactive simulation to instruct a user how to use a feature of the first electronic device (column 4, lines 61-67).

Claim 18, the first virtual electronic device is a virtual handheld device (column 11, lines 13-28).

Claim 20, the first virtual electronic device comprises a virtual display; and a virtual peripheral port (column 7, lines 54-60).

Claims 21-23 the first virtual electronic device comprises an access device, virtual memory and virtual input devices (column 9, line 62 thru column 10, line 13 and Figs 12-18).

Claims 26, 28 and 29, showing on the display to emulate the operation of the system and exchange of information and a graphical user interface (column 7, lines 54-60 and column 9, line 62 thru column 10, line 13 and Figs 12-18).

Claims 35-37, the first electronic device is adapted to communicate with the processor and determines features that can be performed by the first electronic device (column 9, line 61 thru column 10, line 24).

Claims 7, 8, 15, 16, 33 and 34, Perlman teaches providing virtual instruction to a user. Perlman fails to specify that the instructions are in animated and video format. Official Notice is taken that animated and video instruction and demonstrations are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Perlman to specify animated and video instructions because they provide an efficient medium to communicate the features of a device in a virtual environment.

Claim 19, Perlman teaches the first virtual can be a handheld device such as a remote. Perlman fails to teach that the handheld device is a digital wallet. Official Notice is taken that digital wallets as handheld devices are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Perlman to include digital wallets because they are handheld devices consisting of various features to learn and can communicate information.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3624

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully Submitted
Stefano Karmis
02 June 2006



HANI M. KAZIMI
PRIMARY EXAMINER